

## **REMARKS:**

Claims 1-13 have been examined. Claims 1, 2, 4, 8 and 13 have been amended therein. Claims 12 has been cancelled herein without prejudice or disclaimer, and therefore any specific objection and/or rejection against claim 12 is rendered moot. Claims 14-18 have been added herein. Now, claims 1-11 and 13-18 are presently pending.

## **Objections**

Reconsideration is respectfully requested of the objections to the drawings as stated on pages 2-4 of the Office Action. Applicant respectfully submits that replacement drawings included with the Amendment have overcome the objections. Specifically, Figures 1-4 have been amended to divide each figure into parts A and B. Applicant respectfully believes that no such division is necessary for Figures 5-7; therefore, no replacement sheets for Figures 5-7 are included. Applicant reserves his right to provide replacement sheets of Figures 5-7 if the objection is maintained. Further, the amended drawings correct the multiple designations of reference numbers 2 and 3, and the use of reference numbers 1, 2, and 3 to designate different structures in different figures. The specification amendment makes the same corrections to the reference numbers appearing in the specification. Since claim 12 has been cancelled, the specific objection to drawings based on a feature of claim 12 is rendered moot. Therefore, each objection to drawings has been overcome and/or rendered moot.

## **35 U.S.C. §112 Rejection, Under Second Paragraph**

Reconsideration is respectfully requested of the rejection to Claim 1 under 35 U.S.C. §112, second paragraph, as stated on page 5 of the Office Action. As detailed above, Applicant simply notes that the above amendments to the claims follow the examiner's suggestion and the claims have been amended to replace the term "the lid" with the term "the lid assembly" throughout. Therefore, the rejection has been overcome.

## **35 U.S.C. §102 Rejection**

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 6, 8, 9, 12, and 13 under 35 U.S.C. §102 as being allegedly anticipated by US. Pat. No. 6,409,034 to Schorner

(hereinafter “Schorner”). Claim 12 has been cancelled rendering the specific rejection against it moot.

Applicant respectfully submits that Schorner does not teach, suggest, or disclose at least the following claimed limitations:

- “[a] method of dispensing at least one solid dosage form comprising the steps of:”
- “opening a resealable container and lid assembly, wherein the container comprises a reservoir for storing solid dosage forms and an opening for dispensing individual solid dosage forms; the opening further comprises an elastomeric seal that is at least partially located circumferentially around the opening; the lid assembly comprises a plug that is integrally attached to an inner portion of the lid assembly and the lid assembly consists of a hinge attached to the container that functions to rotate the lid assembly at one pivot point;”
- “dispensing at least one solid dosage form from the reservoir of the container and through the opening...” (emphasis added.)

The Office Action fails to point to any disclosure in Schorner that would disclose the above identified limitations. In fact, Schroner only discloses a hinged container cap for bottles “which contain, for example, shower gels, hair shampoos, suncreams [*sic*] or sun lotions and body oils...liquid or pasty foods such as mayonnaise, mustard or ketchup, as well as other kinds of fluid-based substances available on the market.” See Col. 1, lines 17-22. Schroner’s cap is specifically geared towards liquid, gel, and “pasty” substances. Schroner does not disclose dispensing anything solid, muchless a “solid dosage form” (a term which would be readily understood by a person of ordinary skill in the art as not only solid, but a substance of solid form in an appropriate size/weight to account for a single dose). Schroner’s disclosure is clearly directed to a cap that is designed for flowable substances, and nothing indicates that solids or any solid dosage form was ever contemplated by Schroner.

With respect to the limitation of a “reservoir for storing solid dosage forms,” the reference only discloses a cap. No reservoir, muchless a reservoir suitable for storing solid dosage forms, is ever disclosed. Moreover, a person of ordinary skill in the art would readily understand that there are necessary structural differences between reservoirs for liquid-like

substances and Applicant's claimed "solid dosage forms."

Furthermore, it would not be obvious to modify Schroner's cap to dispense a solid dosage form. This is indicated by the fact that Schroner teaches that the substance contained by the cap should be "liquid," "fluid," etc. Schroner specifically teaches that a major function of caps such as that disclosed is to create "as leakproof a seal for the contents within the receptacle as possible." Col. 1, lines 22-24. Since, there is no need to prevent leakage from a solid dose container, Schroner, in fact, teaches away from Applicant's claimed invention.

"A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." MPEP 2145, citing *In re Hoeksema*, 399 F.2d 269, 274, 158 USPQ 596, 601 (CCPA 1968). Schroner does nothing to enable the cap to be used for a solid dosage form dispenser. A person of ordinary skill in the art would not be apprised of any way of effectively dispensing a solid dosage form having the features of the present claims without breaking or damaging the dosage, container, or seal, or without excessive difficulty.

Consequently, since, as detailed above, Schroner does not teach, suggest, or disclose all limitations of Claim 1, Schroner cannot anticipate it. Further, each of claims 2-3, 5, 6, 8, 9, and 13 and newly added claims 14-16 depends (directly or indirectly) from the independent claim 1. Thus, while various features recited in these dependent claims may be patentably distinct on their own, in order to expedite prosecution of the application it will simply be noted here that each of these dependent claims is submitted to be patentably distinct for at least the same reasons as the independent claim from which it depends. Therefore, Applicant respectfully submits that claims 1-3, 5, 6, 8, 9, and 13-16 are not unpatentable in view of Schroner and that the rejection has been overcome.

### 35 U.S.C. §103(a) Rejections

Reconsideration of the rejection of claims 4, 7, 10, and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Schroner alone or in view of US Pat. No. 7,055,686 to DeVries (hereinafter "DeVries") is respectfully requested.

Initially, it is noted that Applicant does not necessarily concur with the Office Action's analysis of these claims in view of Schroner and DeVries. Nevertheless, in order to expedite prosecution of the application, Applicant simply notes that, each of claims 4, 7, 10, and 11 depends (directly or indirectly) from the independent claim 1. Thus, while various features recited in these dependent claims may be patentably distinct on their own, in order to expedite prosecution of the application it will simply be noted here that each of these dependent claims is submitted to be patentably distinct for at least the same reasons as the independent claim from which it depends.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the June 22, 2010 Office Action has been overcome and that the above-identified application is now in condition for allowance.

In view of the foregoing amendments and remarks, Applicants' attorney respectfully requests allowance of all pending claims. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to Applicant's attorney to resolve any outstanding issue without the issuance of a further Office Action.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
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